

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                                     |   |                             |
|-------------------------------------|---|-----------------------------|
| JOHN DOE,                           | ) |                             |
|                                     | ) |                             |
| Plaintiff,                          | ) |                             |
|                                     | ) |                             |
| v.                                  | ) | C.A. no.: 4:19-CV-40050-TSH |
|                                     | ) |                             |
| CLARK UNIVERSITY, DAVID P. ANGEL,   | ) |                             |
| PH.D, NADJA JOHNSON, PH.D., LYNN S. | ) |                             |
| LEVEY, ADAM J. KEYES. HOLLY         | ) |                             |
| DOLAN, EVETTE WALTERS, JEFFREY      | ) |                             |
| MCMASTER, CHERILYN BONIN,           | ) |                             |
| JANE SMITH, AND DAVIS BAIRD,        | ) |                             |
| PROVOST,                            | ) |                             |
|                                     | ) |                             |
| Defendants                          | ) |                             |

PLAINTIFF'S NOTICE OF WITHDRAWAL FROM SCHEDULED MEDIATION OF  
DECEMBER 22, 2020, BEFORE MAGISTRATE JUDGE DAVID H. HENNESSY

Now comes the plaintiff, and because he has been unable to complete discovery prior to the mediation scheduled for December 22, 2020, and because an opposing party has advised it will have no incentive to settle this matter once discovery is closed, plaintiff regrettably withdraws from the scheduled mediation.

As reason therefore plaintiff states that under the current scheduling order discovery continues through January 28, 2021. Docket No. 62. The parties have exchanged written discovery, resolved differences over the plaintiff's responses, and the plaintiff has been deposed. Defendants have advised that their discovery is complete. A number of issues regarding defendants' discovery responses have been resolved but issues remain between the plaintiff and both defendants, regarding which the plaintiff will shortly move to compel.

Defendants have advised they do not oppose rescheduling of mediation to a date after the discovery deadline. But the defendant Clark University has also advised that following

discovery it will have no incentive to settle the case rather than move for summary judgment.

Because the plaintiff cannot in good faith participate in mediation without completing discovery and because he is advised that reaching that threshold will leave an opposing party without incentive to settle and therefore with no reason to mediate, plaintiff has no alternative but to withdraw from the mediation scheduled for December 22, 2020, without asking for a new date.

Plaintiff appreciates the value of the skilled assistance this Honorable Court provides in mediation, and he takes this step only because he has no alternative consistent with good faith. If after discovery and/or dispositive motions defendants wish to avail themselves of this assistance, plaintiff will join in the request.

Respectfully submitted,

PLAINTIFF,  
By his Attorneys,

/s/ Robert A. Scott  
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DATED: December 9, 2020